

August 1976

MEMORANDUM FOR:

THROUGH : Head of Career Service
FROM : F. W. M. Janney
Director of Personnel
SUBJECT : CIA Retirement and Disability System

1. On 22 November 1974 the Director of Central Intelligence approved recommendations which changed from age 60 to 65 the mandatory retirement age for all employees covered by the Civil Service Retirement Act and for employees GS-18 and above who are participants in the CIA Retirement and Disability System. In addition, on 2 December 1974 the Director approved a recommendation that an election to remain in CIARDS or to leave CIARDS or to refuse designation when eligible will be irrevocable. Headquarters Notice 20-652 announced these various actions.

2. Prior to these decisions by the Director, participants in CIARDS were permitted to switch from CIARDS to the Civil Service Retirement System if, by virtue of their longevity, their annuity under the Civil Service Retirement System would be higher by the CIARDS mandatory retirement age. To clarify:

(1) The computation formula of an annuity under CIARDS results in a higher benefit of 3-3/4 percent over that of equal service under the Civil Service Retirement System.

(2) The maximum annuity payable under CIARDS is 70 percent -- 35 years of service -- of the participant's high three. Under Civil Service, it is 80 percent.

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4. A review of your Official Personnel Folder discloses that you are eligible to make this new election because you will complete more than 36 years and 10 months of service by your mandatory retirement age. (Your total service has been computed using your service computation date, which is subject to verification).

5. We now ask you to decide whether you wish to remain a participant in CIARDS or whether you wish to be converted to the Civil Service Retirement System. It should be noted that should you elect to convert to the Civil Service Retirement System, you must be covered under that System for one full year before you can qualify for retirement. This is extremely important for you to consider in the event you feel it is advantageous for you to return to the Civil Service Retirement System. In addition, I should emphasize that how ever you elect, this election will be irrevocable.

6. To assist you in making your election, we have identified below the principal differences between the two retirement systems:

a. A qualified participant in CIARDS may, on his own application and with the consent of the Director, retire with an immediate annuity after he becomes 50 years of age and completes 20 years of Government service. The Civil Service Retirement System permits retirement after a participant in that System becomes 55 years of age and completes 30 years of Government service.

b. A participant in either retirement system may be involuntarily retired with an immediate annuity after completing 25 years of Government service or after becoming 50 years of age and completing 20 years of service. In the case of the CSRS participant, however, the annuity is reduced by 1/6th of one percent for each full month (or two percent per full year) that the employee is under 55 years of age. The annuities of CIARDS participants are not similarly reduced.

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h. New law could, of course, change the benefits and requirements of either or both systems.

7. It is requested that you make your election by checking the appropriate box on the attachment, signing and returning it to the Executive Secretary of the CIA Retirement Board not later than 30 days from the date of this memorandum.

8. If you have any questions you wish to ask before completing this form, please call the Executive Secretary, CIA Retirement Board, extension

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25X1A

F. W. M. Janney

Attachment

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TO : Executive Secretary,
CIA Retirement Board

FROM :

SUBJECT: Election of Retirement System

I have read and understand the contents of the memorandum from the Director of Personnel, on the same subject, particularly the fact that this election by me is a one-time, irrevocable election:



I elect to remain a participant in the CIA Retirement and Disability System for the duration of my employment by the Agency and understand that this election is irrevocable.



I elect NOT to remain a participant in the CIA Retirement and Disability System and elect to be converted back to the Civil Service Retirement System. I understand that this election is irrevocable.

Signature

Date

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16 DEC 1975

MEMORANDUM FOR: Deputy Director of Personnel for Special
Programs

STATINTL SUBJECT : Revision of [redacted]

Lee:

Attached is the second revision of [redacted] incorporating DD/Pers' proposal, i.e., "an exception may be considered if an employee in CIARDS would, by the time of mandatory retirement at age 60 for that system, be entitled to a greater annuity under the Civil Service system."

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Also attached is a copy of [redacted] December 1974, which clearly states that the CIARDS election is irrevocable. With the change in the published policy, another Notice will have to be issued, drawing attention to the further revision which will be reflected in the Regulation, i.e., the possibility of making a change in an individual's retirement program under certain conditions. I know a Regulation supersedes a Notice, but I don't think one should be in conflict with the other (creates confusion in the ranks) and it must be admitted that as limited as is the number of people who read Notices, it is probably even less for Regulations.

I have a problem with the exception provision . . . after saying an individual cannot make a change between retirement systems, we add it may be considered if there are greater benefits with a change back to CSR. We are thereby providing certain employees with double protection . . . CIARDS percentage while they make up their minds whether or not they want to go for the larger one provided by CSR at 36 years 11 months. More importantly, we must also recognize that once having allowed an employee to change back to CSR, he also has the option to continue work until age 65, regardless of our intent that he retire at age 60. We couldn't force anyone out in these circumstances and even subtle pressure would be in conflict with the age discrimination prohibition.

The change from CIARDS back to CSR is obviously elective on management's part inasmuch as the proposed Regulation reads "exceptions may be considered." It would seem only equitable, therefore, that once having chosen to give consideration for exceptions to our Regulations for the benefit of a particular group of employees, we should also give consideration to exceptions which could benefit other employees. There

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are employees in CIARDS with individual situations where continued employment past age 60 would provide a definite benefit . . . situations where unplanned for needs require a continued full salary (and not qualified under CIARDS provisions for extensions of service past age 60) to even psychological needs for a job. Continued service in full employment status in these circumstances would provide a benefit to the individual employee . . . whom it would seem merits the same consideration for the benefit as a transfer to the CSR system and a higher annuity provides to another employee only because of the accident of his service eligibility. To do otherwise appears discriminatory, particularly when the exception is made in terms of "more money" to the individual.

It would also seem appropriate that if we permit a change to CRS for a greater annuity, we should also permit a change to CIARDS from CSR (all qualifications having been met, of course) should an individual who elected CSR because he planned to work past age 60, have reason to retire earlier and who would have a greater annuity under the CIARDS computation. While this situation would undoubtedly be rare, to be consistent with the policy, I believe an exception for a change to CIARDS from CSR is also merited.

Before we go to press with the attached revision to the drafted amendment of the Regulation, could further consideration be given to the apparent inequity of limiting the exception to the benefit of the "greater annuity" under CSR? If we are to retreat from the former adamant position of "no changes," at a minimum there should be the opportunity to transfer back to CIARDS in certain circumstances. If the decision would be extended to allow for any changes when the circumstances would merit the benefit, the Regulation as drafted can be further amended to provide the necessary leeway by inserting the word "normally" at each point in the underlined section where "may not" appears. We would pretty much be back where we were before the "no change" policy was established.

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On the other hand, staying with the position of "no change" as stated in [redacted] provides a clear cut unequivocal statement of what to expect from an election of a retirement program . . . by the Agency for its planning purposes and by the employee for his. It has the merit of being equitable to employees in each system by staying with the provisions of that system.

[redacted]
Chief, Review Staff

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[Redacted]

Revised

(2) (c) The records of an employee designated as a participant will be reviewed prior to the conclusion of the participant's fifteenth year of Agency service. In no case will a participant with fewer than sixty months of qualifying service remain under the System after completing fifteen years of Agency service. Any participant who has completed fifteen years of Agency service and is adjudged by the Director of Personnel to qualify for the System may elect to remain a participant for the duration of his Agency employment, and this election shall not be subject to any review or approval. A participant in CIARDS who elects to remain a participant may not thereafter transfer to the Civil Service Retirement System as an Agency employee. An exception may be considered if an employee in CIARDS would, by the time of mandatory retirement at age 60 for that system, be entitled to a greater annuity under the Civil Service system. Similarly, a participant who elects not to remain in CIARDS will not thereafter be readmitted to CIARDS. In addition, employees who, upon acquiring 60 months of qualifying service after serving a minimum of 15 years of Agency service, choose not to be designated a participant will not be allowed thereafter to be so designated.

22 Sep 76

MEMORANDUM FOR THE RECORD:

SUBJECT: Retirement....Temporary Policy to Permit Certain CIARDS retirees
the Option to change to CSR...One time Option

This is the way subject matter was settled...allowing for fact that
CIARDS retirees had originally been told they could opt to change back to
CSR at the time of retirement.

C/Review Staff/OS

10 December 1975

MEMORANDUM FOR: Secretary, CIA Management Committee
SUBJECT : Retirement Options Under CIARDS and Civil Service

1. I am submitting, for scheduling on a forthcoming CIA Management Committee agenda, a paper to me from the Director of Personnel entitled "Transfer from CIARDS to Civil Service Retirement Under Certain Conditions."
2. The issue raised has received some previous but not thorough consideration by the CIA Management Committee. It is again called to our attention by an active request from an employee to switch from CIARDS to the Civil Service system. Appropriate officers of this Directorate have had extensive discussions on the merits of the case and, as will be seen in the Director of Personnel's paper, the pros and cons of the issue are very very close to being evenly weighed.
3. I believe the issue involved should be addressed by the members of the CIA Management Committee and request that you schedule the matter.

/s/ John F. Blake

John F. Blake
Deputy Director
for
Administration

Att:

Distribution:

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Administrative Information Page Only

75-2797

9 DEC 1974

MEMORANDUM FOR: Deputy Director for Administration

SUBJECT : Transfer from CIARDS to Civil Service
Retirement Under Certain Conditions

REFERENCE : Memo dtd 29 Nov 1974 from DDA to DCI;
subject: Agency Retirement Policy

1. Action Requested: That you consider whether participants in the CIA Retirement and Disability System should, under specific conditions, be allowed to transfer from CIARDS to the Civil Service Retirement System.

2. Background:

a. On 22 November 1974 the Director of Central Intelligence approved recommendations which changed the mandatory retirement age for employees covered by the Civil Service Retirement Act, and for employees GS-18 and above who are participants in the CIA Retirement and Disability System, from age 60 to age 65 and a related recommendation that these employees be encouraged to retire at age 60. This action by the Director resulted from an intensive study by the Office of Personnel and the CIA Management Committee of the impact of the age discrimination provisions of the Fair Labor Standards Act Amendments of 1974, which were effective 1 May 1974.

b. Subsequently, the Director approved the referent memorandum. Paragraph 3b of that memorandum discusses the relationship between the two systems. Fearful that employees in or eligible for participation in CIARDS might attempt to maneuver between the two retirement systems, thereby making difficult manpower planning and related considerations, the memorandum proposed that elections to remain in CIARDS, to leave CIARDS, or to refuse designation into CIARDS when eligible continue as an irrevocable decision to be strictly enforced. The Director approved that concept.

c. While it is not documented, the Office of Personnel has a firm recollection that consideration was given to informing employees already vested in CIARDS of the change in mandatory retirement age under the Civil Service System and to provide them an option to make a final decision to remain in or to leave the CIA Retirement and Disability System. This consideration was dismissed.

d. Prior to the change in retirement policy approved by the Director on 22 November 1974, participants in CIARDS were permitted to switch from CIARDS to the Civil Service Retirement System if, by virtue of their longevity, their annuity under the Civil Service Retirement System would be higher by the mandatory retirement age. To clarify:

(1) The computation formula of an annuity under CIARDS results in a higher benefit of 3-3/4 percent over that of equal service under the Civil Service Retirement System.

(2) The maximum annuity payable under CIARDS is 70 percent -- 35 years of service -- of the participant's high three. Under Civil Service, it is 80 percent.

(3) An annuity computed under CIARDS and one computed under identical conditions under Civil Service equalizes at 36 years and 10 months. Thus, a participant under CIARDS whose service exceeds 36 years and 10 months would receive a higher annuity -- for that service -- under the Civil Service System because of the lower maximum annuity payable under CIARDS.

(4) Under CIARDS an employee who continues to work beyond the years needed for a maximum annuity must contribute seven percent of his salary to the CIARDS fund; the additional contributions earn no additional annuity.

(5) Agency policy requires employees covered by the Civil Service Retirement Act to retire by age 65. The statutory mandatory retirement age under CIARDS is 60 for employees GS-17 and below and 65 for employees GS-18 and above. If allowed to switch, those CIARDS participants who would have been retired at age 60 could opt to remain until age 65.

This situation was not covered in papers prepared for consideration by the Management Committee nor in papers submitted to the Director when the question of irrevocability was raised.

3. Staff Position: The question has now arisen specifically as to whether a CIARDS participant should be allowed the option to transfer from CIARDS to the Civil Service Retirement System if by age 60, the mandatory retirement age for GS-17's and below under CIARDS, he would have a higher annuity under the Civil Service System. For your consideration, we are submitting below arguments in opposition to providing the option to switch and arguments in support of allowing the opportunity to switch.

a. In Opposition:

(1) The decision to make an election to remain in CIARDS (as well as to leave CIARDS) irrevocable was based on significant management considerations. The Agency did not happily abandon the mandatory age of 60 for the entire Agency. The age 60 policy served the Agency well in meeting reduced personnel ceilings, keeping the Agency young, and creating headroom for promotions. Although forced by the Fair Labor Standards Act to change the mandatory age from 60 to 65 for employees covered by the Civil Service Retirement Act, the CIARDS law, with its mandatory age of 60 for employees GS-17 and below, permits, at least for the number of personnel in that system, the same type of benefits to management as were reaped from the overall age 60 policy. To allow individuals to switch

from CIARDS to Civil Service and create the possibility for these individuals to remain on duty until age 65 could cause serious manpower problems, such as reduced attrition, surplus personnel and diminished headroom. Further, Career Services, as they review their rosters of CIARDS participants, have conducted manpower planning on the basis of retirement at age 60. This kind of manpower planning, at a time when it is more important than ever before, would be jeopardized by unforeseeable decisions by eligible employees who wish to switch from CIARDS to CSRA and possibly wish to remain on duty beyond age 60 or even up to age 65.

(2) One of the principal reasons for the enactment of CIARDS was to provide for early retirement, and employees have been retiring at early ages. If a CIARDS participant realizes that by switching to CSRA he can work to age 65, his attitude toward early retirement would drastically change, especially if working until age 65 fulfills his need for working past age 60 and makes unnecessary trying to find other work to cover the ages from 60 to 65. Thus, the Career Service ranks would swell with numbers of Agency employees remaining on duty beyond what would have been a mandatory age of 60. Such a development would create serious manpower problems for the Career Services involved. In addition, it would defeat one of the clear purposes for the enactment of CIARDS.

(3) Although a participant's annuity would be higher under Civil Service than under CIARDS after 36 years and 10 months of service, that same individual has enjoyed the privileges, benefits and protection of his participation in CIARDS. For example, if he chose to retire before reaching that longevity, his annuity would be higher under CIARDS; if he died while a participant, his survivorship annuity would be higher. Allowing an eligible

CIARDS participant to switch to Civil Service would create a situation where an employee could remain in CIARDS almost to age 60 and enjoy all of the benefits of that participation. Then, just before being required to retire at age 60 by the mandatory provisions of CIARDS, he could elect transfer to Civil Service and enjoy the higher annuity benefits of that system. Clearly, employees under these circumstances are able to engage in a type of maneuvering solely in their interest and to the detriment of equitable and sound personnel management.

(4) Allowing a group of individuals to switch from CIARDS to Civil Service merely because their service exceeds 36 years and 10 months, and thus becoming eligible to work to age 65, would create a serious inequity for those CIARDS participants who would not be permitted to switch because their service is not as long. This could create problems of morale and disgruntlement, which should be avoided at all costs.

(5) There is also the problem of a cutoff date. For example, if a CIARDS participant by age 60 would have only 36 years and eight months of service, he would not be able to switch. Yet, another participant with only little additional service would be allowed to switch and thereby earn the right to work for five additional years. We can foresee requests for exceptions from those individuals who just barely miss the cutoff point, which would put management in the position of having to adjudicate the merits of each particular case.

b. In Support:

(1) Prior to the change in retirement policy, management allowed employees to switch from CIARDS to the Civil Service System in order to earn higher annuity benefits.

(2) When a participant in CIARDS acquires 15 years of Agency service and has 60 months of qualifying service, he must elect whether to remain in the CIARD System or to leave. Once he exercises the option, it becomes irrevocable. This election is statutory and the participant, at the 15-year point, is in sole control of the decision to vest or not to vest his participation in CIARDS. Thus, employees at the time of their statutory election can review their length of service, their projected need to work, and financial requirements and can decide whether to leave CIARDS if by age 60 their annuity would be higher under the Civil Service Retirement System or if they prefer to work to age 65 under the Civil Service System. As mentioned above, participants in CIARDS who had already made such an election and who had vested their participation in CIARDS prior to the change in retirement policy were not afforded the opportunity to reconsider. It could be argued that these individuals believed that they would be entitled the same opportunity to switch as existed prior to the change in retirement age if they knew that, by age 60, their annuity would be higher under the Civil Service Retirement System. Yet, they were denied the opportunity to consider these aspects of financial planning.

(3) A participant in CIARDS whose service before age 60 exceeds 36 years and 10 months will continue to pay into the retirement system without any improvement in his annuity situation. Should the Agency force employees to sacrifice seven percent of their take-home pay and purchasing power without some improvement in their annuity?

Submitted below are some actual examples of employees currently in CIARDS who by age 60 would suffer the loss referred to:

(a) A GS-08 with a salary of \$15,478 who would have to contribute for two and one half years; his cost: \$2,709.

(b) A GS-12 with a salary of \$23,262 who would have to contribute for two years and two months; his cost: \$3,528.

(c) A GS-15 with a salary of \$37,800 who would have to contribute for two years and two months; his cost: \$5,953.

(d) The widest spread -- a GS-18 with a salary of \$24,434 who would have to contribute for six years and two months; his cost: \$10,545.

(4) Experience shows us that Agency employees have been retiring at earlier ages and in advance of mandatory ages. For example, the average age of retirement under CSRA was 54.3 for FY 1975, and 54.5 for FY 1974; for CIARDS, the average age was 51.8 for FY 1975, and 51.7 for FY 1974. Agency-wide, the average age of retirement for FY 1975 was 52.8, down from 53.3 for FY 1974. Government-wide, where the mandatory age is 70, the average age of retirement is 61.

(5) Of [] current participants in CIARDS, there are [] employees who will be able to complete, within the next five years, more than 36 years and 10 months before reaching age 60 -- a relatively small number. From November 1974 to date, no current CIARDS participant

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has served the necessary 36 years and 10 months. With the trends in this Agency toward early retirement of eligible employees, experience would dictate that only a few of this number would choose to work beyond age 60. Yet, the others, i.e., those who will retire by age 60, will be denied a higher annuity for the rest of their lives and, additionally, will have paid into the retirement fund significant sums from their expendable income unnecessarily.

(6) Management planning interests can adequately be served by requiring employees whose service will exceed 36 years and 10 months to declare their intentions well in advance, e.g., at age 55.

(7) Fears that a CIARDS participant switching from CIARDS to CSRA would work to age 65 to the detriment of management considerations do not pertain to CIARDS participants GS-18 and above, because the mandatory age for this group of employees is already age 65. There is no equitable basis for denying them the higher annuity to which they would be entitled under CSRA and to require their continued contributions to the CIARDS fund without additional improvement in annuity. Yet, no one would suggest that only this limited group of employees be given preferential treatment and be allowed to switch.

c. We have not discussed herein the comments presented in paragraph 2c above, but wish merely to note that these employees could feel aggrieved. They could argue that their election to remain in CIARDS stemmed from the fact that, under either system, they would have

been required to retire at age 60. Except for those whose service exceeded 36 years and 10 months and who were allowed to switch, participants elected to remain in CIARDSS because of the higher annuity. With a change to age 65 for the Civil Service System, these employees might argue that the basis for their earlier decision dramatically changed and, because of this, they should have been given a new opportunity to decide.

4. Recommendation: That you determine whether participants in the CIA Retirement and Disability System whose service by age 60 would exceed 36 years and 10 months should be allowed to transfer to the Civil Service Retirement System.

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F. W. M. Janney
Director of Personnel

Attachment
Ref Memo

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29 Nov 1974

MEMORANDUM FOR: Director of Central Intelligence
SUBJECT : Agency Retirement Policy
REFERENCE : Memo for DCI fr D/Pers dtd 13 Nov 74,
same subject

1. Action Requested: That you approve the attached Headquarters Notice.

2. Background:

a. On 22 November 1974 you approved recommendations in the referent memorandum which changed the mandatory retirement age for employees covered by the Civil Service Retirement Act (CSRA) and for employees GS-15 and above who are participants in the CIA Retirement and Disability System (CIARDS) from age 60 to age 65 and the related recommendation that these employees be encouraged to retire at age 60.

b. With this change in policy there are two matters that need resolution: the possibility that employees might attempt to move from one system to the other and relocation benefits heretofore paid for retirees. A separate memorandum and recommendation will be forwarded to you on relocation benefits.

3. Staff Position:

a. With the approved change in retirement policy, there are now two mandatory retirement ages: age 60 for employees GS-17 and below who are participants in CIARDS; age 65 for employees GS-18 and above who are participants in CIARDS and for all employees covered by the CSRA.

b. We foresee the possibility that participants in CIARDS or employees who are eligible for participation in CIARDS might attempt to maneuver between

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the two retirement systems in such a way as to make difficult manpower planning and related considerations. Current procedures require a participant in CIARDS who has a minimum of 15 years of service with 60 months of qualifying service to elect whether to remain in CIARDS or to leave. Such an election remains in force for the duration of the participant's Agency employment, although several exceptions have been authorized. With the change in policy a participant in CIARDS might choose to remain in CIARDS until age 59, thereby receiving the protection of its higher annuity benefits in the event of disability or death. At age 59 he might seek to elect out of CIARDS into Civil Service in order to work to age 65. There is also the situation where a participant has elected out of the system to avoid the involuntary provisions of CIARDS and, just before retirement age, attempts then to get back into the system in order to draw higher annuity benefits. In order to prevent this unforeseeable switching between systems, which would seriously impair the efficiency of personnel management and planning, we propose that an election to remain in the system, to leave the system, or to refuse designation when eligible continue as an irrevocable decision to be strictly enforced.

c. The General Counsel has no legal objection to a policy, as recommended below, which makes irrevocable an election to remain in CIARDS, to be removed from CIARDS, or to refuse the opportunity to be designated a participant in CIARDS.

4. Recommendation: That you approve the attached Agency Notice which:

a. informs employees of the change in retirement policy to age 65 but which encourages retirement at age 60; and

b. reaffirms the irrevocability of an election concerning participation in CIARDS.

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John F. Blake
Deputy Director
for
Administration

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AGENCY RETIREMENT POLICY

STATINTL References: CIA Retirement and Disability System
Civil Service Retirement System

1. This is to inform all employees of certain changes in the referent regulations which I have approved after reviewing our retirement practices.

2. Henceforth, the following policies shall apply with respect to the age for retirement of Agency employees:

a. Participants in the Civil Service Retirement System are encouraged to arrange their affairs so as to retire upon reaching age 60 and are required to retire upon reaching age 65.

b. Participants in the CIA Retirement and Disability System below grade GS-18 are required by law to retire upon reaching age 60. Participants grade GS-18 and above are also encouraged to arrange their affairs so as to retire at age 60; they are required by law to retire upon reaching age 65.

3. Management must be able to forecast the timing of retirements with considerable accuracy in order to manage the utilization and replacement of personnel resources. Therefore, the election discussed in will continue to be an irrevocable one. A participant in CIARDS who elects to remain a participant may not thereafter transfer to the Civil Service Retirement System as an Agency employee. Similarly, a participant who elects not to remain in CIARDS will not thereafter be readmitted to CIARDS. In addition, employees who, upon acquiring 60 months of qualifying service after

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serving a minimum of 15 years of Agency service, choose not to be designated a participant will not be allowed thereafter to be so designated.

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W. E. Colby
Director

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